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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY STORE**
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**JOINT STATEMENT RE: CASE
SCHEDULE AND JOINT REQUEST
FOR EXTENSION OF TIME**

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

Judge: Hon. James Donato

10 *In re Google Play Consumer Antitrust*
11 *Litigation*, Case No. 3:20-cv-05761-JD

12 *In re Google Play Developer Antitrust*
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 *State of Utah et al. v. Google LLC et al.*, Case
15 No. 3:21-cv-05227-JD

Pursuant to this Court’s Order dated July 22, 2021 (*In re Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD (N.D. Cal. 2021) (“MDL”) ECF No. 67), the parties in the above-captioned MDL action (“the Parties”), by and through their undersigned counsel, submit this Joint Statement in order to update the Court on their ongoing discussions regarding the Parties’ proposed case schedule, and respectfully to seek a 14-day extension of time to complete those discussions and to submit a further Joint Statement on scheduling issues. A Proposed Order Granting Extension of Time is included with this submission. The Parties also address below the timing of Google’s forthcoming coordinated motions to dismiss, and also a regular monthly status conference in these cases, as the Court requested.

I. JOINT STATEMENT ON PROPOSED SCHEDULE

The Parties have exchanged proposals and met and conferred regarding a revised proposed schedule for these cases, but have so far been unable to reach agreement regarding a pre-trial schedule and proposed trial plan. While the Parties are currently not far apart on the proposed date for a trial, there are differences between the interim dates proposed by each side, which the Parties would like additional time to discuss further. In addition, the State of Utah and its co-plaintiff States, Commonwealths, and Districts (collectively the “States”) have had only limited opportunities to discuss the issues in the case with the other Parties, in part because modifications to the existing Protective Order to address state law issues (*e.g.*, freedom of information laws) need to be negotiated by the Parties and approved by the Court before confidential documents can be produced to the States. The States believe that an extension of time for the Parties’ submission of scheduling proposal(s) will allow them sufficient time to submit a proposed modification to the Protective Order to the Court and better evaluate the States’ ability to meet the scheduling deadlines the Parties ultimately propose. For these reasons, the Parties respectfully request a two-week extension, to August 27, 2021, to submit a Joint Statement with a complete proposed revised schedule. The Parties understand that the Court intends to have a firm case schedule in place by September 2021, and are working diligently to submit a proposal that will be acceptable to the Court.

The Parties have reached agreement, however, with respect to a schedule for coordinated briefing on Google's motions to dismiss all actions in the MDL. The States have advised Google that they intend to amend their complaint.¹ Thus, the Parties propose the following briefing schedule:

Proposed Motion to Dismiss Schedule	
Event	Date
Motion to Dismiss	September 8, 2021
Opposition	October 15, 2021
Reply	November 2, 2021
Hearing	As soon as possible after November 5, 2021

In advance of the submission of any briefing, the Parties will submit a proposal relating to page limits.

II. JOINT STATEMENT ON CASE MANAGEMENT CONFERENCES

At the Status Conference held on July 23, 2021, the Court asked the Parties to designate a regular Thursday for monthly status conferences. The Parties are available for a standing status conference on the third Thursday of each month, starting in October. The Parties request that the next status conference be scheduled on the fourth Thursday (September 23, 2021), in order to accommodate the Jewish holiday on September 16, 2021.

¹ The States have agreed to share with Google a copy of the proposed amendment by August 27.

Respectfully submitted,

Dated: August 13, 2021

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11 Dated: August 13, 2021

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E-FILING ATTESTATION

I, Brian C. Rocca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Brian C. Rocca

Brian C. Rocca